

**Topic:** RA Briefing on VIM Recycling, Inc.

**Date:** 9/9/09

### **Purpose**

- Provide update on ongoing activities at VIM Recycling, Inc. site in Elkhart, IN

### **Background/Summary**

- EPA issued an Administrative Consent Order (ACO) on 6/29/09 to VIM in response to a NOV issued on 5/8/09 for open burning. The Order requires excavation, sorting, screening, and removal of larger pieces of wood waste to a local landfill for disposal.
- The Order stipulates efforts to minimize the impact on the surrounding community, including:
  - Placement of soil and/or water on the pile to control fires,
  - Daily monitoring of all piles to detect fires and response within 3 hours,
  - Measures to prevent smoke and fires during excavation,
- The ACO also required establishment of a website and weekly/monthly progress reporting.
- VIM coordinated with the Baugo Fire Dept., Elkhart County EMA, and IDEM Emergency Response on the development of a Site Emergency Response Plan to respond to contingencies.

### **Schedule**

- The removal is proceeding on schedule and is expected to be completed by 12/31/09.
- All required progress reports and ACO deliverables have been submitted on time.

### **Issues**

- A resident is taking photos of smoke, steam and dust arising from the site, and an attorney representing him is alleging the photos document violations of the ACO which require enforcement.
- An attorney representing residents is questioning implementation of the ACO, requested documentation and inspection reports via FOIA, and notified EPA of the intention to sue the Administrator for failing to object to IDEM's issuance of a Title V permit. A request for a fee waiver on the FOIA was recently denied by EPA HQ as no justification was submitted.
- Staff from Senator Evan Bayh and Congressman Joe Donnelly's office visited the site on 7/30 in response to a letter from the state representative. Response letters were sent to Senator Bayh on 7/31 and Congressman Donnelly on 8/21.
- An EPA Fact Sheet explaining the project was distributed in the neighborhood at the recommendation of congressional staff.
- The removal operation is inevitably generating smoke, steam and odors in the community. Though efforts are made to minimize this, the project is expected to continue to generate these conditions.
- Several instances of smoke releases have taken place on evenings and weekends. All were addressed in compliance with the ACO, and steps have been taken to prevent future incidents.

### **Future Actions**

- ARD, LCD and IDEM field staff will continue to conduct oversight on the removal.
- LCD, ORC and ARD will respond to any FOIA requests related to the site.
- ARD will work with OGC, OAQPS, and OECA to develop a response to LEAF's petition and NOI.
- LCD will continue to support IDEM on efforts to permit composting, soil blending and marketing of smaller-sized materials left behind by the screening operation.